

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

STEVE BORIA,

Defendant.

17-CR-142 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

As the Court indicated in its January 8, 2024 opinion and order, it intends to vacate Defendant Steve Boria's judgment and enter a new one with the same sentence, affording him a new opportunity for direct appeal. The Court has twice attempted to do so "in open court with defense counsel present." *Garcia v. United States*, 278 F.3d 134, 138 (2d Cir. 2002). *But see McHale v. United States*, 175 F.3d 115, 119 n.4 (2d Cir. 1999) ("Courts remanding for entry of a new judgment appear to regard it as a ministerial act, not a formal resentencing that might require the presence of the defendant."). Mr. Boria, however, has refused transport to Court both times. If either party now objects to the issuance of a new judgment absent a conference, that party shall so inform the Court by May 29, 2024.

SO ORDERED.

Dated: May 22, 2024  
New York, New York



Hon. Ronnie Abrams  
United States District Judge